

## EXHIBIT E

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF NEW YORK

Case No. 05-44481-RDD (Jointly Administered)

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In the Matter of:

DPH HOLDINGS CORP., et al.,

Reorganized Debtors.

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United States Bankruptcy Court

300 Quarropas Street

White Plains, New York

December 17, 2010

2:33 PM

B E F O R E:

HON. ROBERT D. DRAIN

U.S. BANKRUPTCY JUDGE

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HEARING re Telephone Status Conference filed by Eric Fisher on  
Behalf of DPH Holdings Corp., et al.

Transcribed by: Pnina Eilberg

1 THE COURT: Okay. Although you may come at the end of  
2 the calendar but that's fine.

3 MR. BAKER: And that's fine, Your Honor. We  
4 understand that. Thank you.

5 THE COURT: Okay.

6 (Pause)

7 THE COURT: Okay. So again, this was on the record.  
8 If people have any confusion about it, they can get -- they can  
9 order a transcript of it otherwise I'll wait to see the  
10 briefing.

11 MR. WINSTEN: This is Bill Winsten, Your Honor. There  
12 was one other thing that we said we were going to address, and  
13 we may have to your satisfaction but I just want to raise it,  
14 that was in the order scheduling this day and that is how to  
15 deal with the case-by-case hearings and when and how to  
16 schedule them.

17 Do I take it from what I have a sense you're saying  
18 that that's something you want to deal with on February 17,  
19 after you see where we are?

20 THE COURT: I think so. I mean, I think given the --  
21 it wasn't clear to me, obviously, when I ruled earlier this  
22 year whether the, buy and large, the debtors proposed amended  
23 complaints would resolve the Iqbal issues.

24 Obviously, based upon the objections as well as the  
25 issues that both parties have identified, there's still a

1 series of potentially very serious issues about that problem.  
2 And rather than getting the parties into case-by-case discovery  
3 on notice related to the 4M issues and/or discovery generally,  
4 I think we ought to deal with the complaint first, just the  
5 face of the complaint first.

6 MR. WINSTEN: That was my sense of what you were  
7 saying. I just wanted to make explicit what was implicit.

8 THE COURT: Yeah. So, I mean, it may be that we still  
9 have, you know, a hundred or so defendants but it's also  
10 possible we'll only have twenty or fifteen or thirty. So I  
11 think rather than deal with that now, we should focus on that  
12 for the 17th, depending on how I rule.

13 Okay. All right. Hearing nobody else, I thank you  
14 all for focusing on this. I appreciate that it is -- it's an  
15 unusual and frustrating situation for the defendants but I  
16 believe that this is probably the most efficient way to deal  
17 with it, particularly after the hearing this summer. So we'll  
18 go down this path for February 17th.

19 Thank you.

20 MR. FISHER: Okay. Thank you, Your Honor.

21 (Whereupon these proceedings were concluded at 3:38 PM)

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